TECHE UDINE

MANOSCRITTI

# FONDO PRINCIPALE

## Manoscritto n. P_MSS_1541_II

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Collocazione:

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M.S.S.

1541/2

# Proœmium ad Jus Canonicum

Jus objective spectatum est limitatio libertatis humanæ eo modo ut libertas aliorum hominum quoque constare possit

Subjective est facultas utendi iis mediis quæ libertatem aliorum non tollant in consequendo proprio fine.

Lex est præceptum Summi Imperantis tollens libertatem hominum limitans extendens ut in consecutando fine ea media adhibeat vel alia omittat quatenus salva esse possit libertas aliorum

Jus esse potest naturale Civile Ecclesiasticum.

Jus naturale libertatem hominis eatenus limitat quatenus alii homines possint debito socialiter simul vivere et respicit actiones intrinsece ac immutabiliter bonas vel malas.

Jus Civile limitat humanam libertatem eo modo ut societas Civilis constare possit et versatur circa actiones indifferentes quæ ad bonum societatis obtinendum vetantur vel præcipiuntur.

Jus Ecclesiasticum limitat magis adhuc libertatem hominis, cui non licet ab iis mediis recedere aut alia adhibere quam quæ Ecclesia præscripsit ad obtinendum ultimum finem virtutis ac felicitatis

Lex moralis est norma actionum humanarum ad dictamen rationis in ordine ad ultimum finem seu ad perfectionem et actiones respicit intrinsece bonas quas imperat, malas quas porro vetat. Ideque lex moralis est positiva ac negativa.

Lex juridica est sententia positiva a legitima potestate conflata et sancita quæ condit ut omnes tantummodo teneat quibus servatis homo potest

socialiter ac pacifice vivere, et est tantum negativa
In suo sensu stricto illud solum est quod legi juri
dicis respondit.

Lex moralis societatem ipsam jubet juridica
eam supponit 1° actiones internas exigit 2° solum
externis contenta est.

Jus esse potest perfectum, vel imperfectum
a) cui juncta esse potest vis b) cui jungere non
licet coactionem, quia executio obligatio moralis est
tantum

Civitas est societas hominum ex pacto unionis
et subjectionis ad obtinendum tutamen proprietatis ac
securitatem

Jus in Civitate objective est limitatio libertatis
sociis eatenus, quatenus libertas aliorum civium con
stare potest

Subjective est facultas eas actiones omnes peragendi, quae libertati aliorum Civium contrariae non sint

In Civitate necessaria est potestas ad dirigendum
ad invigilandum, et pactum unionis constitutionis,
et subjectionis.

In societatibus variare potest finis, jus socialis
est facultas id omne agendi quod contrarium fini
proposito non sit

Lata sensu congregatio, societas verbum Ecclesia
significat. stricto autem sensu est, societas religiosa
moralis ad religionem virtutemque colendam.

Ecclesia invisibilis est regnum Dei universale
in coelo, et in terris, stricto sensu hoc Ecclesiae solos
bonos tendentes ad perfectionem complectitur lato
sensu complectitur omnes qui obligantur se ad hunc
finem tendere.

Ecclesia visibilis est congregatio fidelium ad prae
vendum finem aeternae sanctificationis
Visibilis Ecclesia militat
1° Symbolo fidei idest doctrinae comuni quam omnes
Ecclesiae membri profiteri debent, quia societas esse non
potest nisi in quas leges proprias habeat ad sequen
societatis finem
2° Exercitiis pietatis idest cultui boni operibus
cultuque Dei externo, quia omnia haec propria sunt
ad virtutem et religionem excitandam et servandam.
3° Constitutione cuicunque societati necessaria
Characteres proprii visibilis Ecclesiae sunt
1° Unitas idest consensus omnium fidelium circa Doc
trinam exercitia cultus et constitutionem
2° Sanctitas quia finis Ecclesiae est sanctificatio ho
da quoque esse debet Ecclesia
3° Veritas Doctrinae, quia una virtus una Religio,
una veritas.
4° Catholicitas in cuius Ecclesia visibilis se omnibus
temporibus, locis, personis adimpleretur
5° Libertas eo quod nisi liberis actionibus potest
Homo finem moralem Ecclesiae consequi
Ecclesia alia naturalis alia positiva est
Ecclesia naturalis numquam exstitit quia humana na
tura tam infirma, quae habet revelatione ad cogno
scenda veritates supernaturales. Sed abstracte concepta
Ecclesia naturalis esset consensus hominum profitendi
religionis causa.
Ecclesia positiva ea est, quae ope revelationis con
stituitur. Ecclesia naturalis ab hominum arbitrio pen
det positiva a revelatione, et hoc sensu, una arbitraria
necessaria altera est

Historia sacra nos edocet positivam religionem a Deo fundatam esse.

Ecclesia primeva ab orbe condito usque ad Abrahamum fuit universalis completum cultorum omnium veri Dei sicut Job Melchisedek.

Sed cum idolatria cepisset quotidie majora incrementa vocatus est Abraham, et in ejus familia conservata est fides veri Dei, itaque ecclesia facta est familiaris.

Deinde orta est ecclesia nationalis cum Abrahami familia se multiplicaret. Huic nationi dedit Moyses leges a Deo receptas et hae sunt naturales Ceremoniales, et criminales, et prepararetur illud Regnum novum a Vaticiniis promissum

Doctrina et religio judaica tamquam copia naturalis religionis a Christo Salvatore instituta. Omnia quae constituebant judaicam religionem figurae erant et prophetae Ecclesiae Christianae. Ex adventu itaque et morte Christi cessat ratio Ecclesiae judaicae; inquit enim Christus „non veni solvere legem, neque prophetas sed adimplere – Cum itaque antea fundamentum religionis erat expectatio Messiae, postea fundamentum ejus Ecclesiae est fides in ipsum jam adventum.

Omnia quae a veteri lege predicta fuerunt in Christo adimpleta sunt nativitas Eius, tempus doctrina miracula mortis ascensio scriptum a Juda ablatum, destructio Urbis ac templi sub Vespasiano et Tito Hebraeorum dispersio, perpetua Ecclesiae Christianae stabilitas; haec omnia cum Patribus cum Hebraeis confitentur.

Primum igitur Christus Ecclesiam suam constituit cum XII Sibi viros elegit et eos mensae participes fecit, et misit eos in universum

mundum prædicare dicens; Euntes ergo
in mundum universum docete omnes gen-
tes baptizantes eos in nomine Patris et
filii et Spiritus Sancti; – Tunc profecto
exierunt Apostoli, aliique fideles societa-
tem religiosam constituere omnesque se
invicem tamquam patres considerare

Supremus Ecclesiæ Christi finis est
sanctificatio fidelium quæ acquiritur per exer-
citium Religionis, et virtutes; finis vero pro-
ximus est reciproca ædificatio externa quæ
acquiritur per exercitia pietatis. Intuetur
cultus huius religionis quæ jubet sui abne-
gationem humilitatem charitatem erga
Deum et proximum et cultum externum
non quia in externo sita sit religio sed
ut facilius Deo internum cultum præ-
stent.

Ecclesia quam Christus fundavit indo-
les dignoscenda est ex tribus Symbolo fi-
dei, ex exercitiis pietatis, ex constitutio-
ne sua.

1° In Symbolo ea omnia continentur
Dogmata fidei morumque præcepta quæ
tradidit Christus ita ut quæ hæc omnia
profitentur Ecclesiæ ipsæ conjuncti sunt

2° Exercitia pietatis sunt prædicatio verbi
Dei Sacramentorum usus qui in rebus
infundunt gratiam quam semper declarat
ipsa quæ ritus ecclesiasticos quæque maxi-
me quoad incruentum sacrificium

3° Constitutio vero Ecclesiæ sita est
in potestate regendorum negotiorum

Unitatem fidei et Unitatem communionis et pacis.

[illegible] consensu de rebus Christianae religionis [illegible] [illegible] [illegible] ordinatam.

[illegible] et communionis [illegible] communionem [illegible] pastores et [illegible] et Romanum Pontificem centrum Ecclesiae Unitatis, quae communicatio fit signis exterioribus [illegible] [illegible] [illegible] [illegible] [illegible] communione [illegible] schismatis.

[illegible] Ecclesia Sancta est [illegible] [illegible] sanctificato [illegible] [illegible] [illegible] sancta [illegible] obligat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quae est [illegible] [illegible] [illegible] [illegible] [illegible] est zizania.

[illegible] [illegible] [illegible] evangelium praescribit [illegible] id omne ea legi naturali [illegible] [illegible]

Vocabulum Ecclesiae pluribus modis [illegible]

[illegible] congregatio quorumcumque hominum [illegible] conventus ad religionem et [illegible]

[illegible] Ecclesia [illegible]

[illegible] materialis [illegible]

[illegible]

Triumphans, dicitur vero Ecclesia militans [illegible]

exerceant in religione et virtute [illegible]

[illegible]

Ecclesia [illegible]

[illegible]

Particulares Ecclesiae ab universali [illegible]

[illegible]

# De Jure Ecclesiastico

61

Privilegium aliud est *gratiosum* si in ac[illegible] favorem datum est, aliud *odiosum* [illegible] [illegible]

[illegible]

privilegiato, persone reale destructione rei supra quam constitutum est privilegium

Valet etiam privilegii renunciatione privilegiati aliusque lapso tempore confirmatis consuetudine.

[illegible] humana [illegible] [illegible]

[illegible] proximus atque [illegible] ab obse[illegible] imperantis [illegible] *servantia* que est [illegible] introducta inter partes [illegible] eamque consensu [illegible]

[illegible] conventionis adquirit tacito partium consensu.

Eadem regula valet ad comprehendendam legis [illegible] consuetudinem et observantiam [illegible] introducitur nunquam legi naturali aut [illegible]

[illegible] et manifestus itaut cum legislator [illegible] et cum possit impedire [illegible]

[illegible]

[illegible] legi humane [illegible] derogare [illegible]

[illegible] consuetudinem [illegible] contrariam [illegible] tempore legitimam habitum [illegible]

[illegible] ac [illegible]

[illegible]

[illegible] materiis quoque pertinent [illegible]

auctore Carolo II et prosequentur per duo et [illegible] [illegible] [illegible]
[illegible] contribuant ex provinciis [illegible] et
[illegible] ut [illegible] qualis fuit [illegible]
[illegible] Ecclesiastic[illegible] [illegible] [illegible]
[illegible] Ante [illegible] anno 8[illegible]
[illegible] 8[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] anno [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
circa 1100 a [illegible] [illegible]

Jus Commune novum continetur corpore dictum Juris Canonici cujus partes sunt Decretum Gratiani, Decretales [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Joannis XXII et Extravagantes communes.

[illegible] Gratianus Decretum seu Collectionem [illegible] [illegible] [illegible] [illegible] concordiam discordantium canonum eo quod sibi proposuit [illegible] [illegible] [illegible] [illegible] temporibus [illegible] [illegible] [illegible] [illegible] [illegible] Conciliorum [illegible] Decret. [illegible] [illegible] [illegible] [illegible] aliorumque auctorum Ecclesiasticorum, et nonnullis Principum Constitutionibus.

Dividitur in tres partes quarum prima continet 101 Distinctiones et versatur circa originem auctoritatem et species juris nec non cler[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quaestiones [illegible] de [illegible] [illegible] in causis de Judiciis Ecclesiasticis. Tertia [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]

# De Jure Ecclesiastico Austriaco

[illegible] varia[illegible] vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tractantur. In Jure quoque privato quoad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] particularis [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] communis humani de quo supra diximus in [illegible] [illegible] tanquam subsidiarium [illegible] in his omnibus quae particulariter in hoc imperio constituta non sunt.

[illegible] [illegible] [illegible] [illegible] Constitutiones [illegible] [illegible] [illegible] [illegible] [illegible] seu in Ecclesiasticis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Domus Austriacae [illegible] factus est con[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] partim maximam Juris privati quod ipse corporibus viget in [illegible] [illegible] continent [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debebant ad consistoria Episcopalia et Monasteria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] etiam [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] abrogatae fuerunt.

Collectiones Juris Ecclesiastici Austriaci sunt generales [illegible]

[illegible]

## Jus Ecclesiasticum Austriacum internum

### De Potestate Ecclesiastica generatim

[illegible] Ecclesiasticum Austriacum ordinemque Christianum [illegible]

[illegible]

[illegible] humanam [illegible] potestatem [illegible]

[illegible]

fici; sed qui major est fiat sicut minor, et praecessor est fiat sicut ministrator; [illegible]

Pascite qui in vobis est gregem Dei providentes, non coacte sed spontanee secundum Deum, non turpis lucri gratia, sed voluntarie, neque ut do- [illegible]

[illegible]

fuerint appellari, [illegible] Servorum Dei.

Circa quae versatur autem potestas Ec- [illegible] et Sacramenta [illegible] seu Episcopatum quod vocamus Sacerdotii [illegible] Legimus in N. Testamento Diaconos [illegible] ab Apostolis constitutos fuisse ad Ecclesiae ministerium [illegible] orationem et manuum impositionem. Ordinis Sacramentum a Christo post resurrectionem institutum [illegible] dixit = Accipite Spiritum Sanctum etc.

Potestas [illegible] Jurisdictionis est [illegible] potestas [illegible] dicendi in Ecclesia. [illegible] temporibus [illegible] illi assignando qui quem super quem potestatem exerceret.

[illegible] introducta fuit [illegible] ad exercendam Jurisdictionem. Ita simplex [illegible] ordinis [illegible] potest [illegible] celebrare sed [illegible]

valide a peccatis; sed potest non habere potestatem exercendi jurisdictionis ac proinde non [illegible] licite absolvere a peccatis nisi mandato [illegible] aut [illegible] assignatione. Ex hoc patet [illegible] aliquem habere potestatem ordinis sine potestate [illegible] et [illegible] [illegible] habet [illegible] [illegible] aut absolvendi [illegible] habet potestatem [illegible] [illegible] Eadem aliquis [illegible] potestatem [illegible] [illegible] [illegible]

Potestas jus dicendi in Ecclesia distinguitur in Internam et Externam.

[illegible] Nihilominus [illegible] legitime Ecclesiae [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et ideo [illegible] ea [illegible] [illegible] matica. [illegible] [illegible] [illegible] [illegible] ecclesiastica potestas, sed respondemus [illegible] de modo [illegible] [illegible] [illegible] vero

Apostolorum Successores sunt

ut consuetum erat. Accidente prima Dominica
post plenilunium Mensis Martii a Christianis eum
[illegible] convenirent. Attamen neque [illegible]

[illegible]

alteri Dominicae [illegible]

[illegible]

luna XIV tamquam haeretici damnati sunt et
Quarta-decimani appellati. Ergo [illegible]
judicium [illegible] Papae romanum [illegible]

[illegible]

quae spectant [illegible] eandem [illegible]

[illegible]

[illegible] in Episcopum Caesaraugustan[illegible]
[illegible] in Patriarcham Alexandri[illegible]

[illegible]

Africano, et ex alia parte S. Steph.
Papam [illegible] Saecul. III, qui contra eorum
opinionem Haereticos qui in [illegible]

Generalia in examen revocaruint et definiviunt [illegible] Pontificum circa [illegible] nova [illegible]
la etiam ut [illegible]
[illegible]
[illegible] convocavit Concilium generale [illegible] et pontificum [illegible]
[illegible]
Eutichetem [illegible] damnasse
[illegible]
in Concilio Constantinopolitano [illegible] anno 553
damnata fuerunt tamquam [illegible]
illa capitula [illegible]
[illegible] approbata [illegible]
[illegible]
[illegible]
et [illegible] Pontificum non [illegible] Concilio [illegible]
[illegible] nisi a generali Concilio [illegible] esse infallibile
minata [illegible] et Pontificis non esse infallibilem [illegible]
Illud [illegible] respondemus [illegible] qui Eutiche
[illegible] haereticum [illegible]
[illegible] contra Lutherum [illegible]
[illegible]

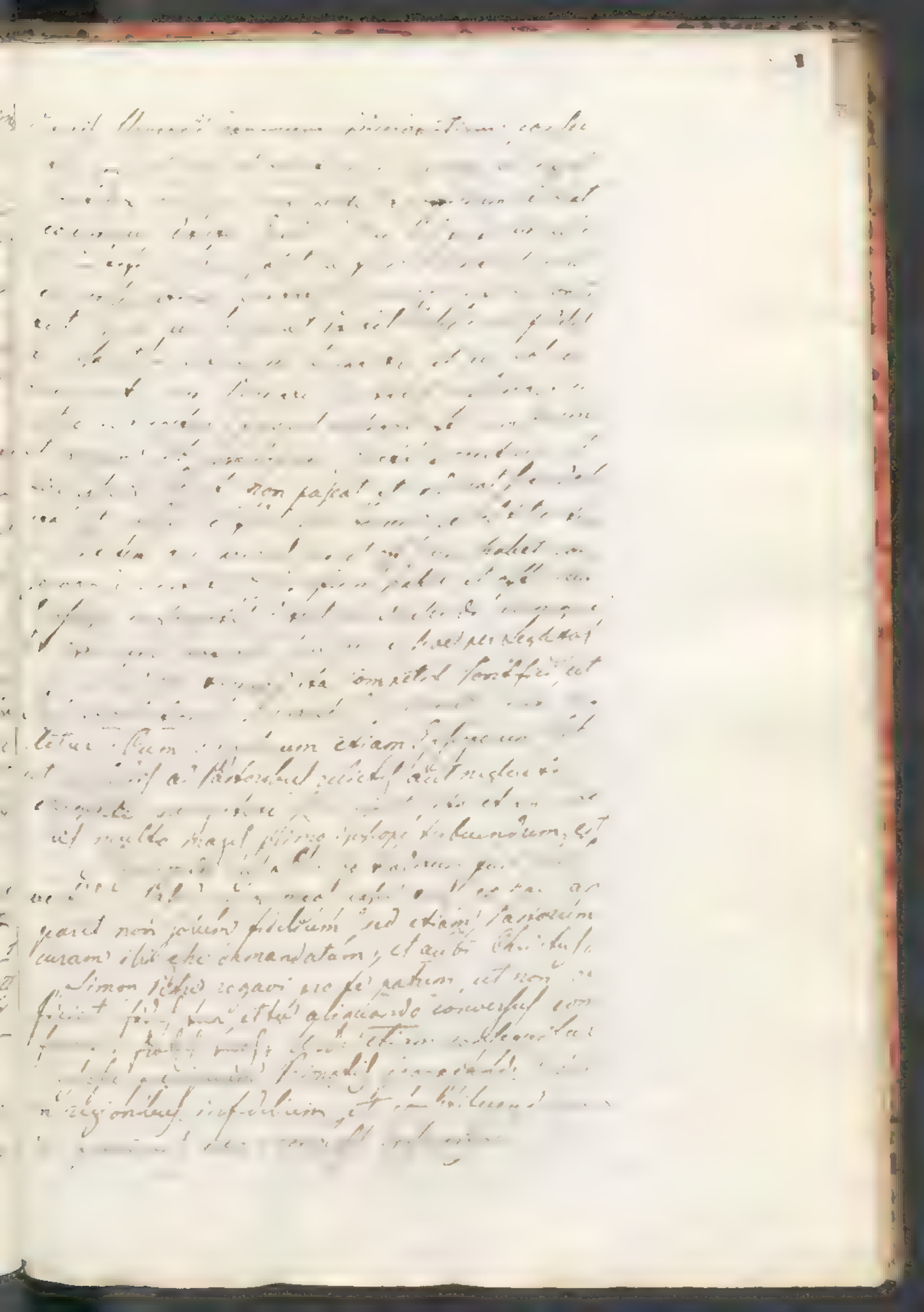
5

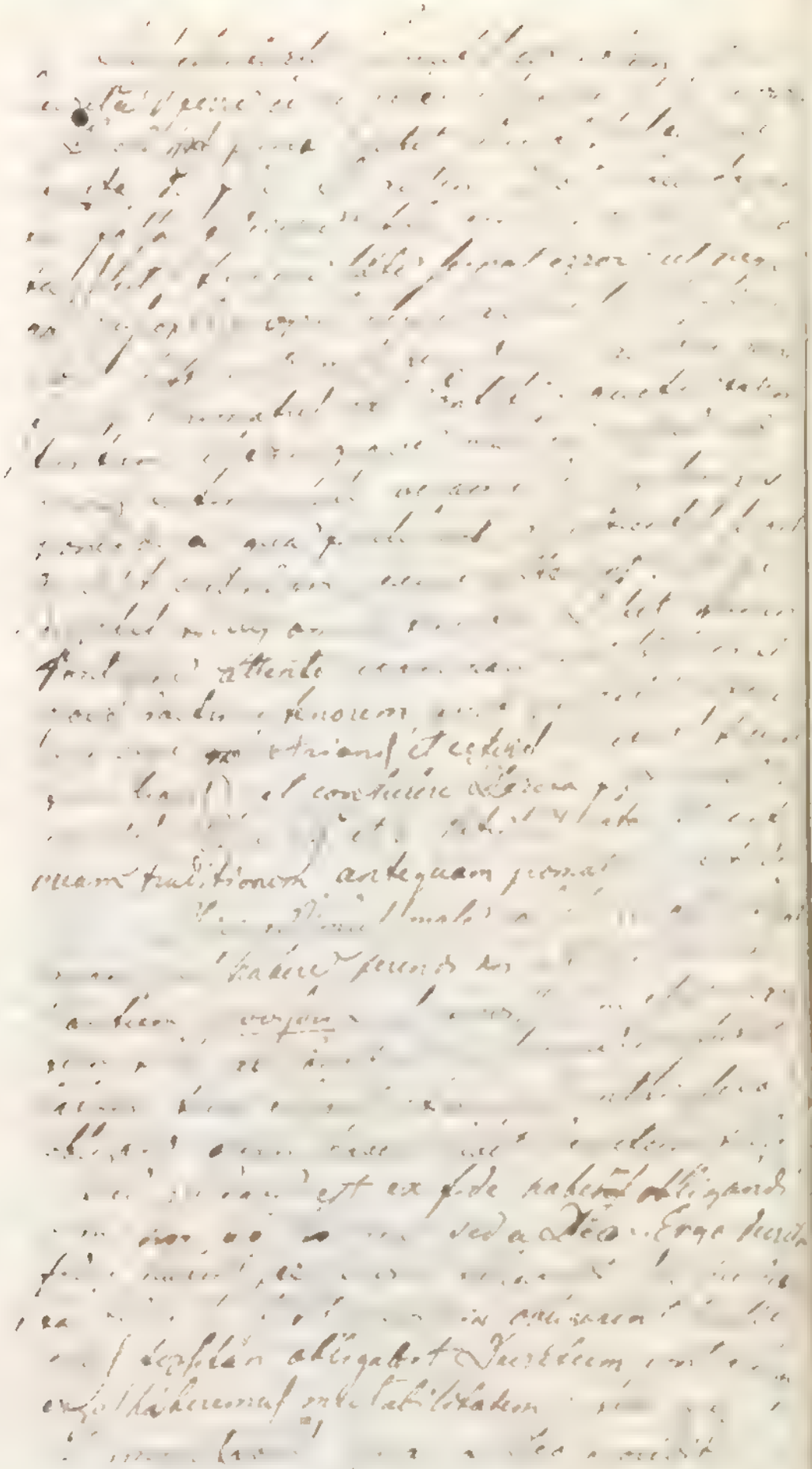
De Subjecto Potestatis Ecclesiasticae

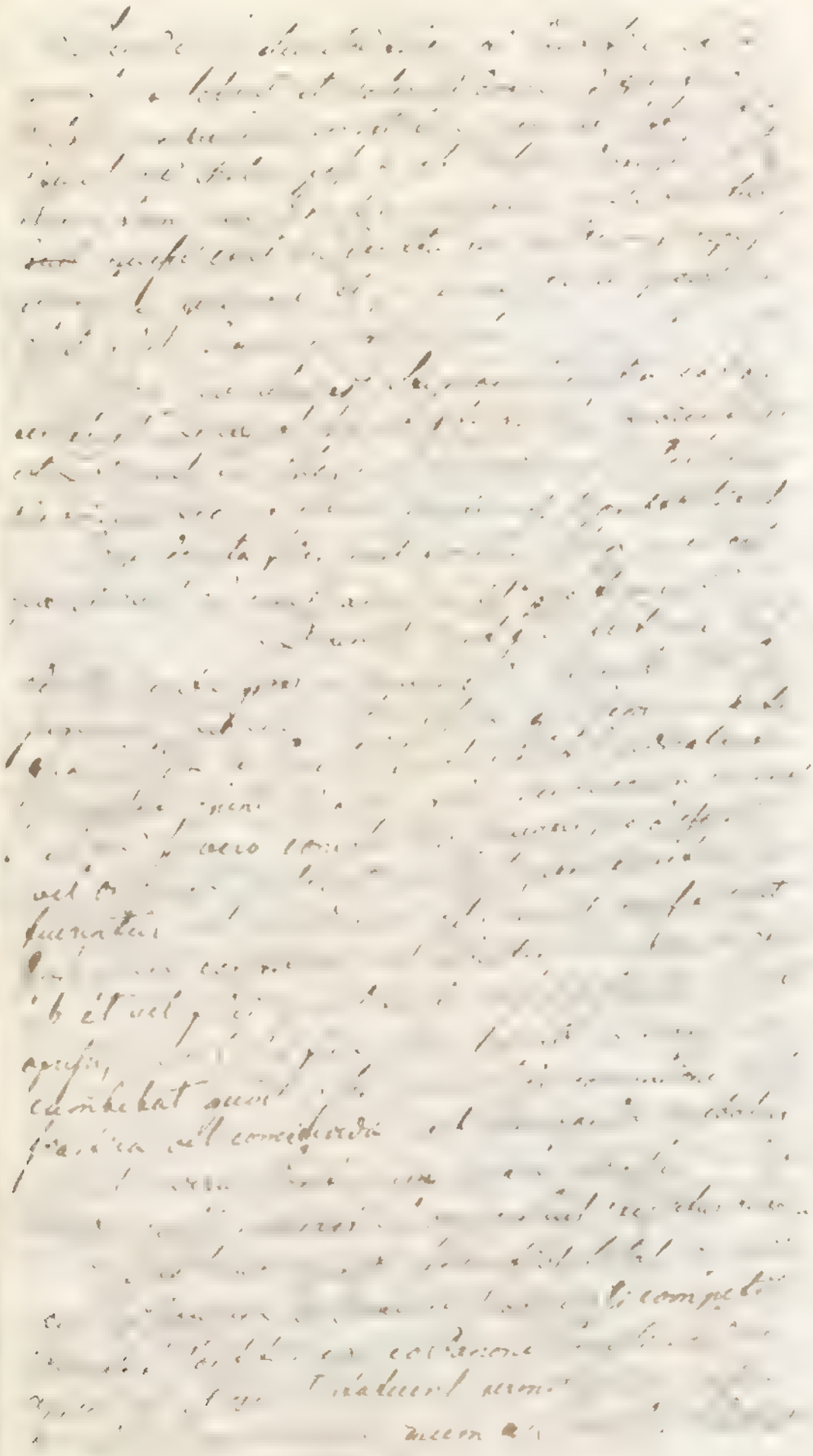
habent Jurisdictionem internam seu facultatem remittendi mala [illegible]
ut nonulli volunt non habent jurisd[illegible]
[illegible] et si eam careant [illegible] per [illegible]
onem Episcopi, non [illegible]
Hierarchia Jurisdictionis [illegible]
[illegible] Ecclesiasticis [illegible] dispositione [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] [illegible] ctione
[illegible]
[illegible]
[illegible] vocabulum
[illegible]
[illegible]
[illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible] etiam [illegible] nomine
presbyterale etiam [illegible]
[illegible] Subditorum [illegible]
[illegible] nomen [illegible]
[illegible] enunciavit, et cum sint in [illegible]
[illegible] presbyterii [illegible] Episcopus [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

celebrata

## De Ecclesiæ Primatu







De [illegible] Adventitiis

[illegible] potestatis pontificiae ab [illegible]

[illegible] sive in dubio [illegible]

[illegible] aeternitatem [illegible]

Causae majores [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ob ignorantia [illegible]

[illegible]

[illegible] tractandum [illegible]

[illegible] mala [illegible] ob [illegible]

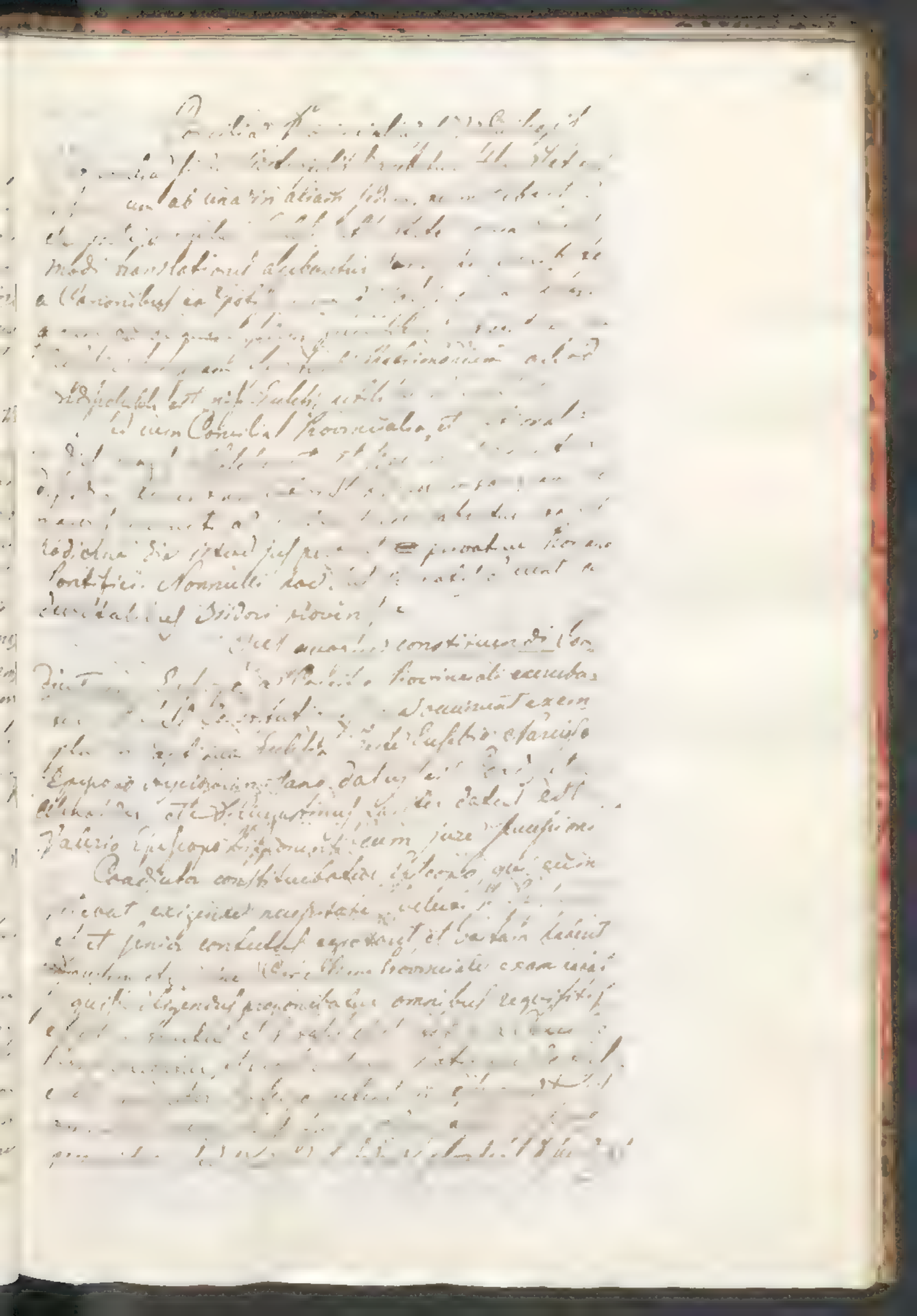
[illegible]

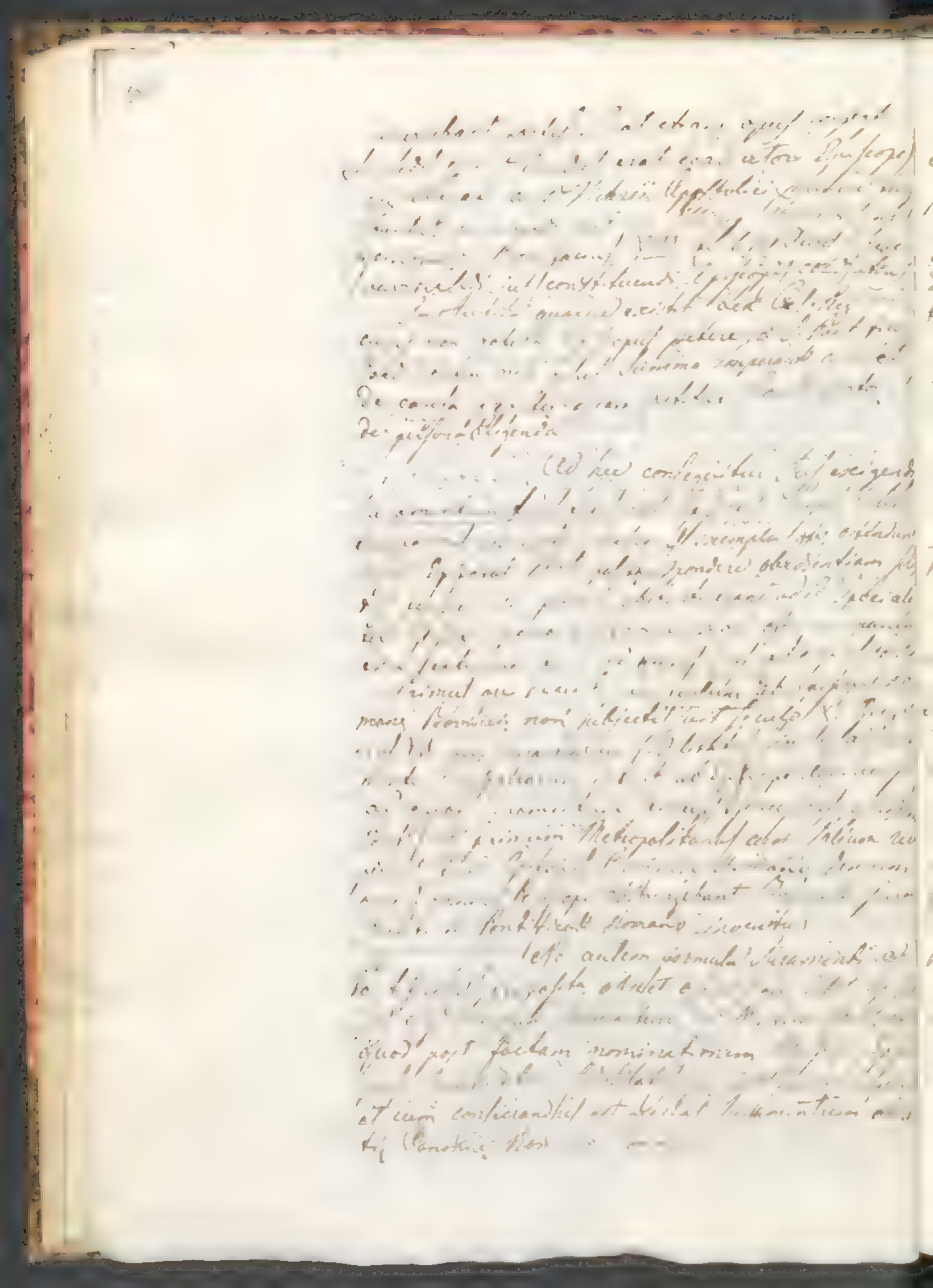
[illegible]

[illegible] Episcopus [illegible] habet

1^um^ Confirmandi et Consecrandi.
2^um^ Permittendi translationes
3 Coadjutores constituendi
4 [illegible] fidelibus

[illegible]





nec rei propriae [illegible]

tem vel ad tempus vel ad [illegible] dicis [illegible]

ab impedimentis matrim[onii] [illegible]

[illegible]

[illegible] non [illegible]

[illegible] addit

[illegible]

[illegible]

[illegible]

[illegible] dispensatiquin prohibetur, et [illegible]

[illegible] omnino quae [illegible]

[illegible] dispensandi [illegible]

[illegible]

[illegible]

est reservanda. In impedimentis occultis [illegible]

ad [illegible] nomine pa-

[illegible] ad [illegible] videre. [illegible] facultates

intra suas limites [illegible]

[illegible]

non, sed [illegible]

[illegible] facultates [illegible]

[illegible]

Votum est vel simplex [illegible]

votum quo aliquid [illegible]

[illegible]

quod solemniter fit et ab Ecclesia acceptatur [illegible]

utrumque obligat [illegible] in utroque casu [illegible]

[illegible]

[illegible] ad meliorem bonum facta

cessat cessante causa boni melioris [illegible]

[illegible]

[illegible]

[illegible] vel ad S. Jacobum Compostellam,

Talis plurimi [illegible] continentur in [illegible] [illegible] [illegible] [illegible] liberabatur [illegible] [illegible], qui [illegible]

[illegible]

aliquis a culpa [illegible] et ab æterna pœna liberatur. Indulgentia autem est [illegible] pœnæ [illegible] [illegible] ab [illegible] potestate [illegible] [illegible]

Est denique thesaurum indulgentiarum [illegible] [illegible] [illegible]

[illegible] peccatorum communicavit magna [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quatuor [illegible] [illegible] ignorum [illegible] et [illegible] [illegible] atque ita [illegible] ad [illegible] indulgentiarum [illegible]. [illegible] omnia [illegible] [illegible] [illegible] [illegible] per veterem disciplinam [illegible] [illegible] [illegible] [illegible]

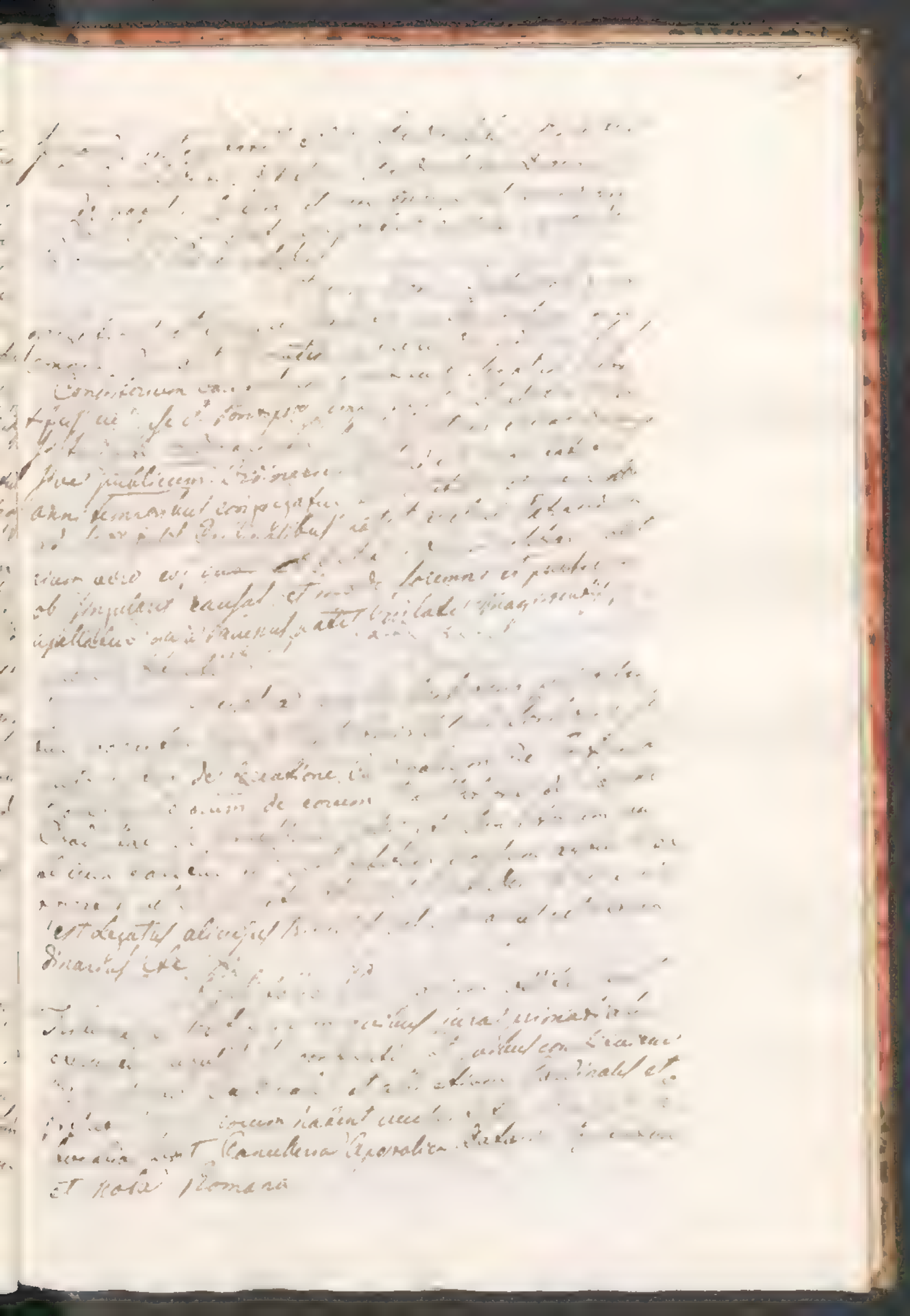
[illegible] Hoc indulgent. [illegible] in subjecta materia statuta [illegible] [illegible]

[illegible] Statuit ut indulgentiis in Ecclesiam [illegible] a[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indulgentiarum [illegible] [illegible] [illegible]

Hæc jura omnia quæ controversa dicuntur [illegible] [illegible] [illegible] Concilio [illegible]

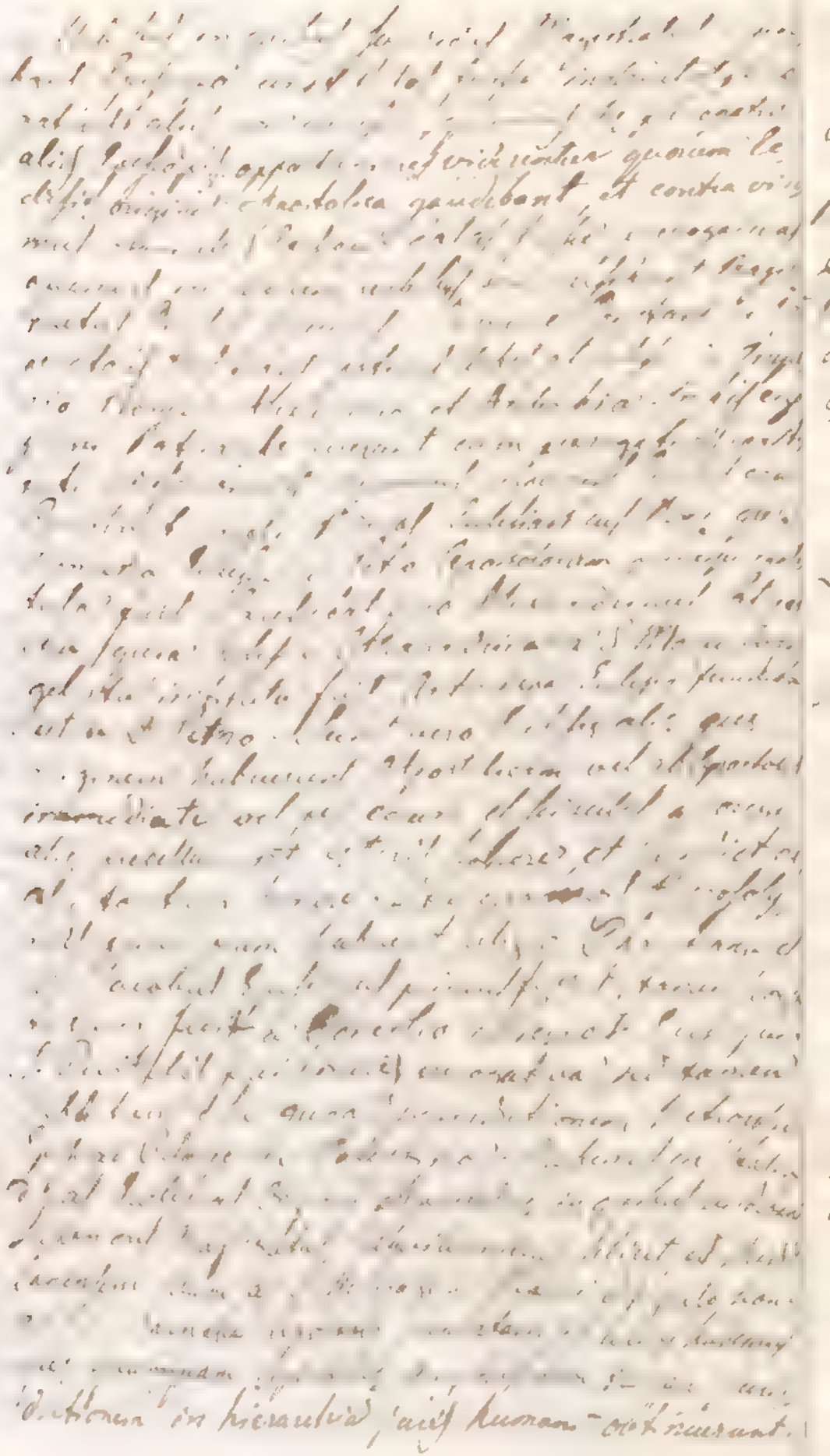
De Regularibus et Sæcularibus Cleris

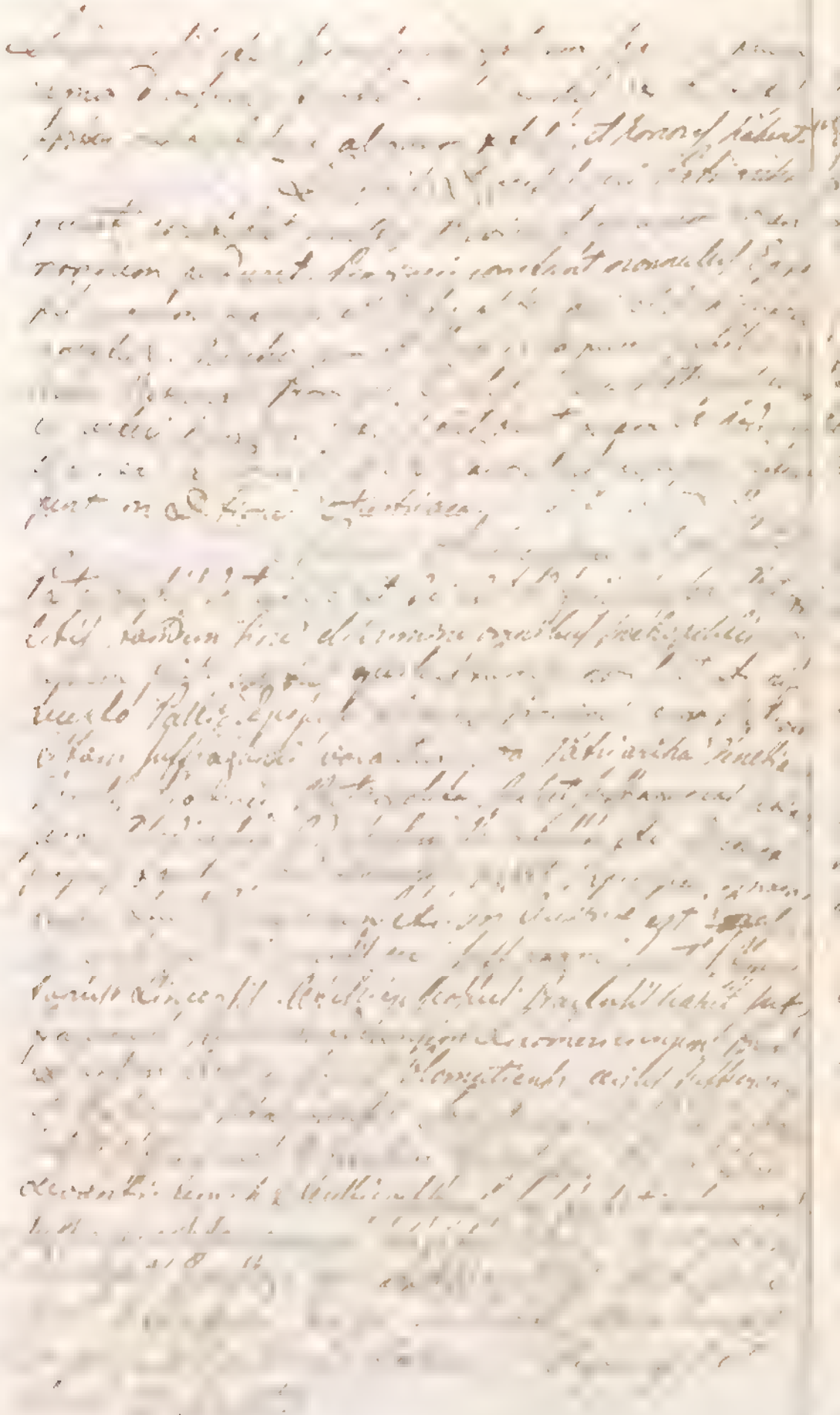
[illegible]

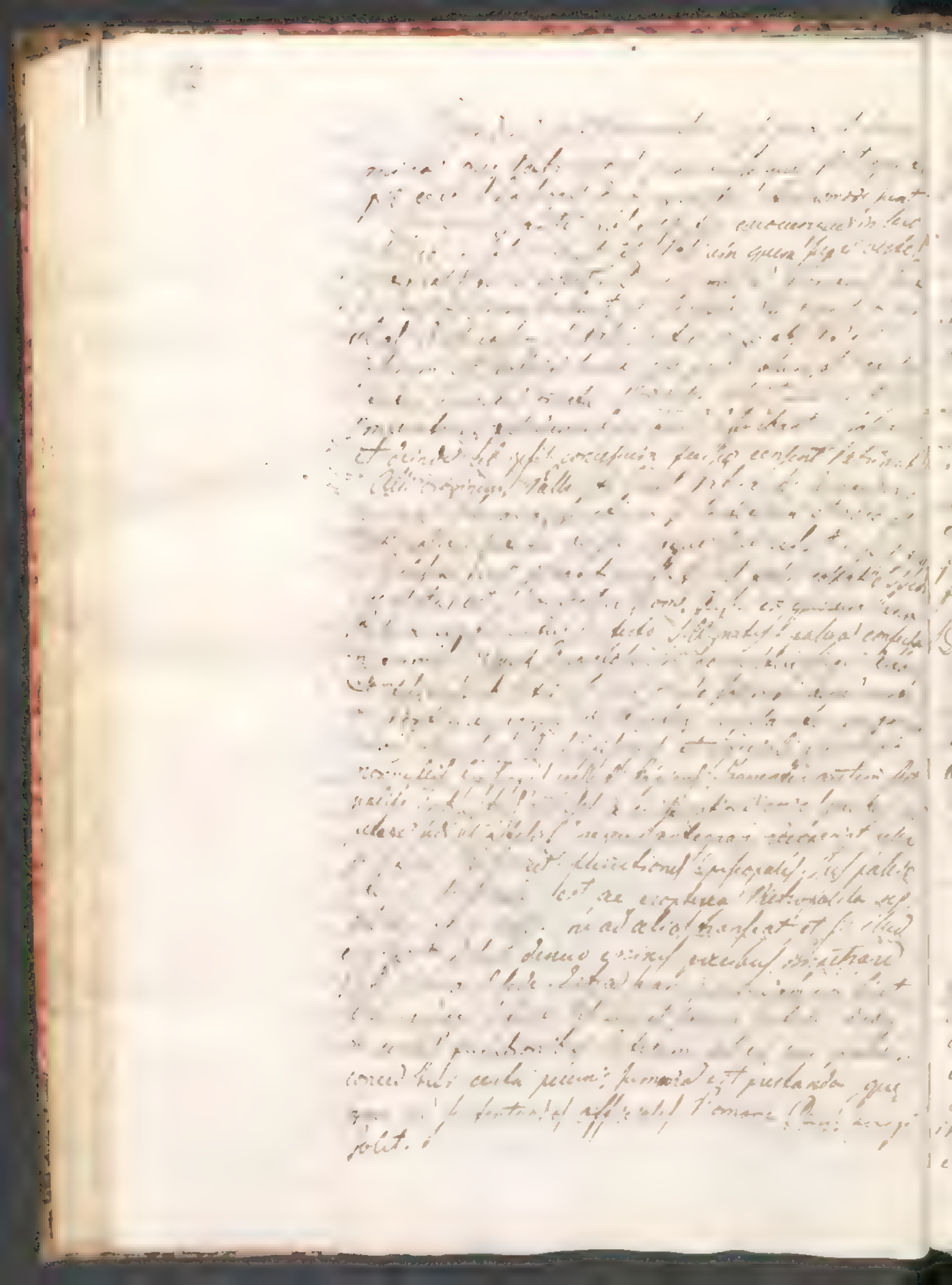


## De Potestate Ecclesiastica relata ad Ecclesias Particulares

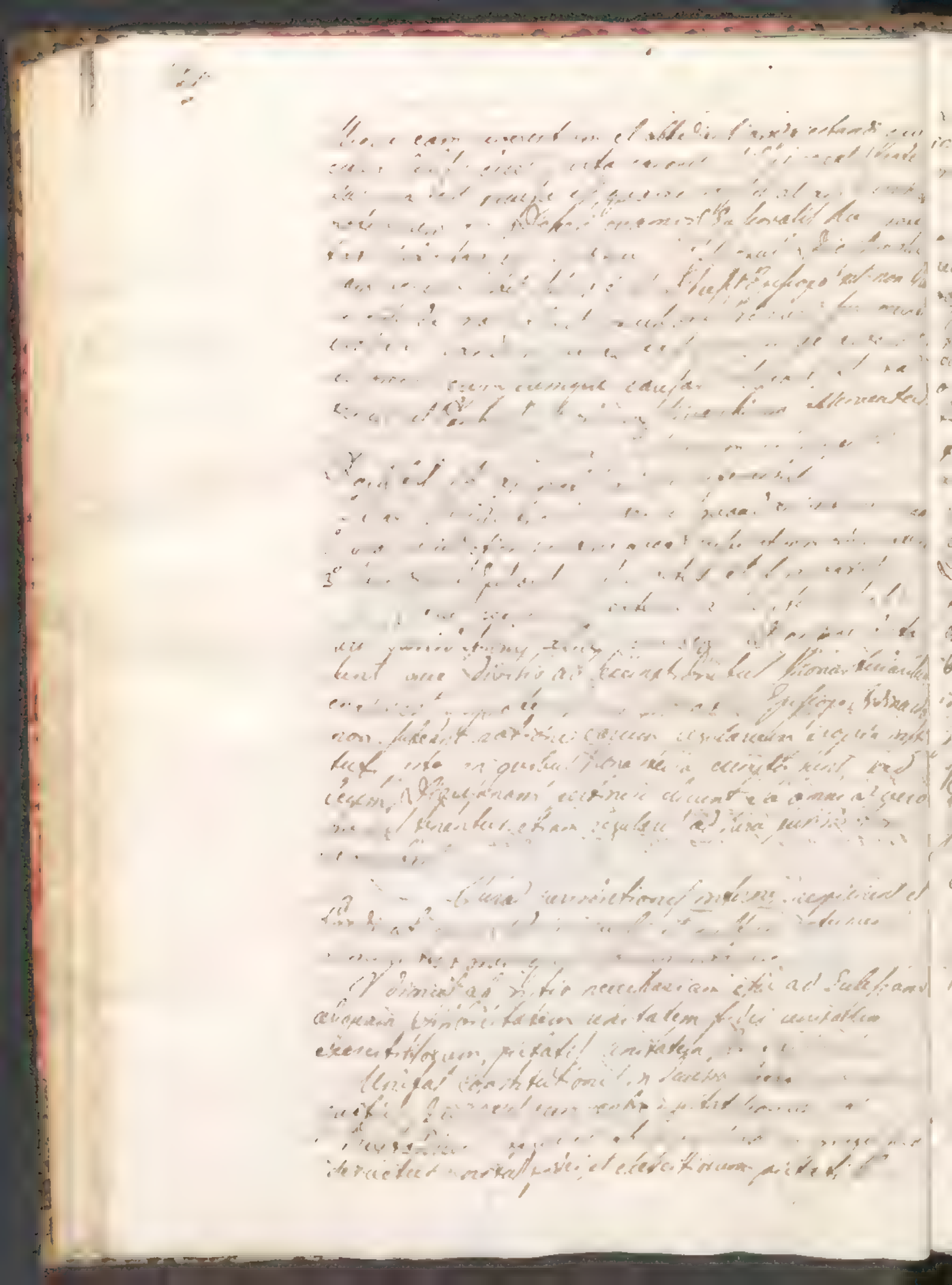
### De Patriarchis, Primatibus et Legatis

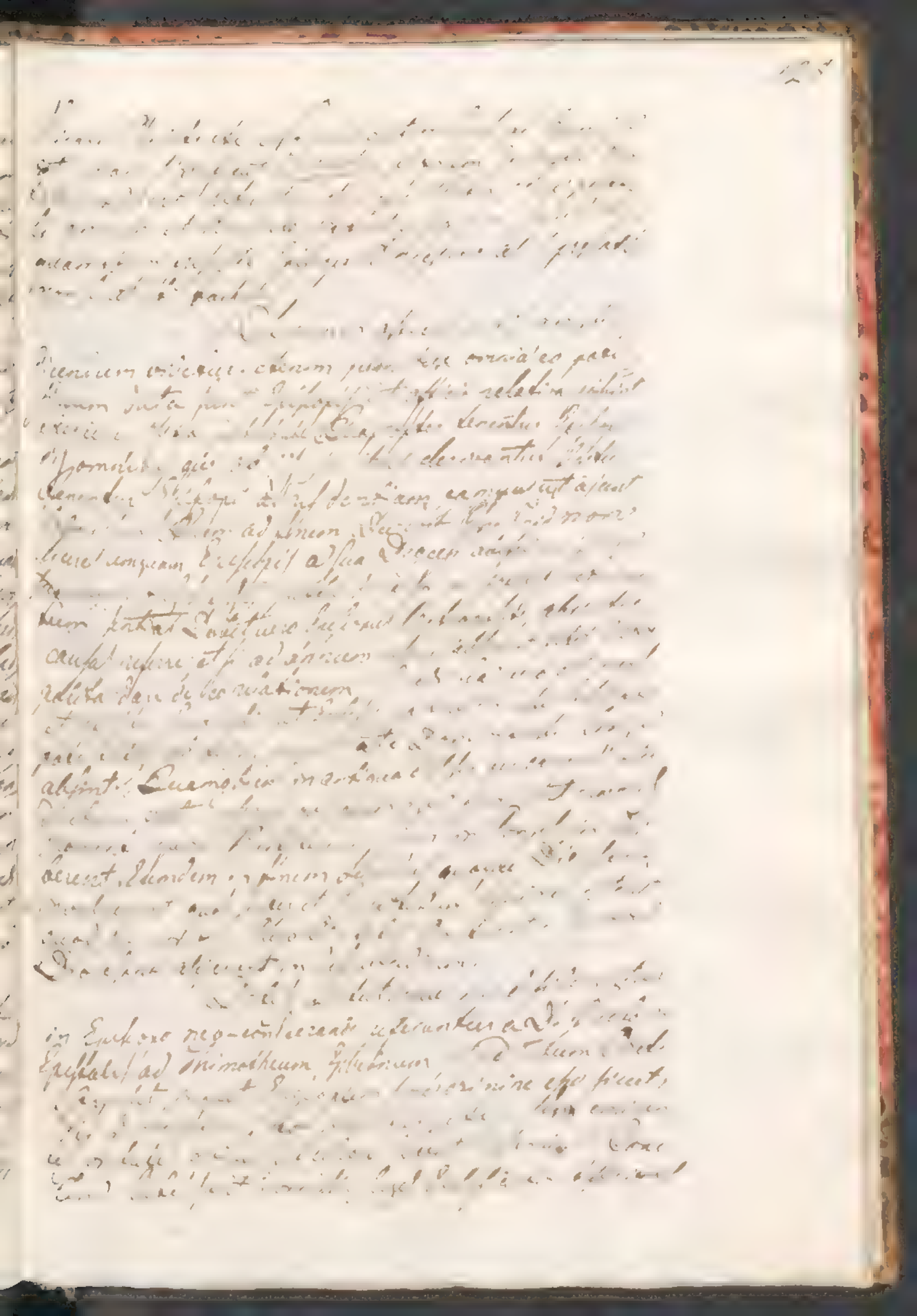


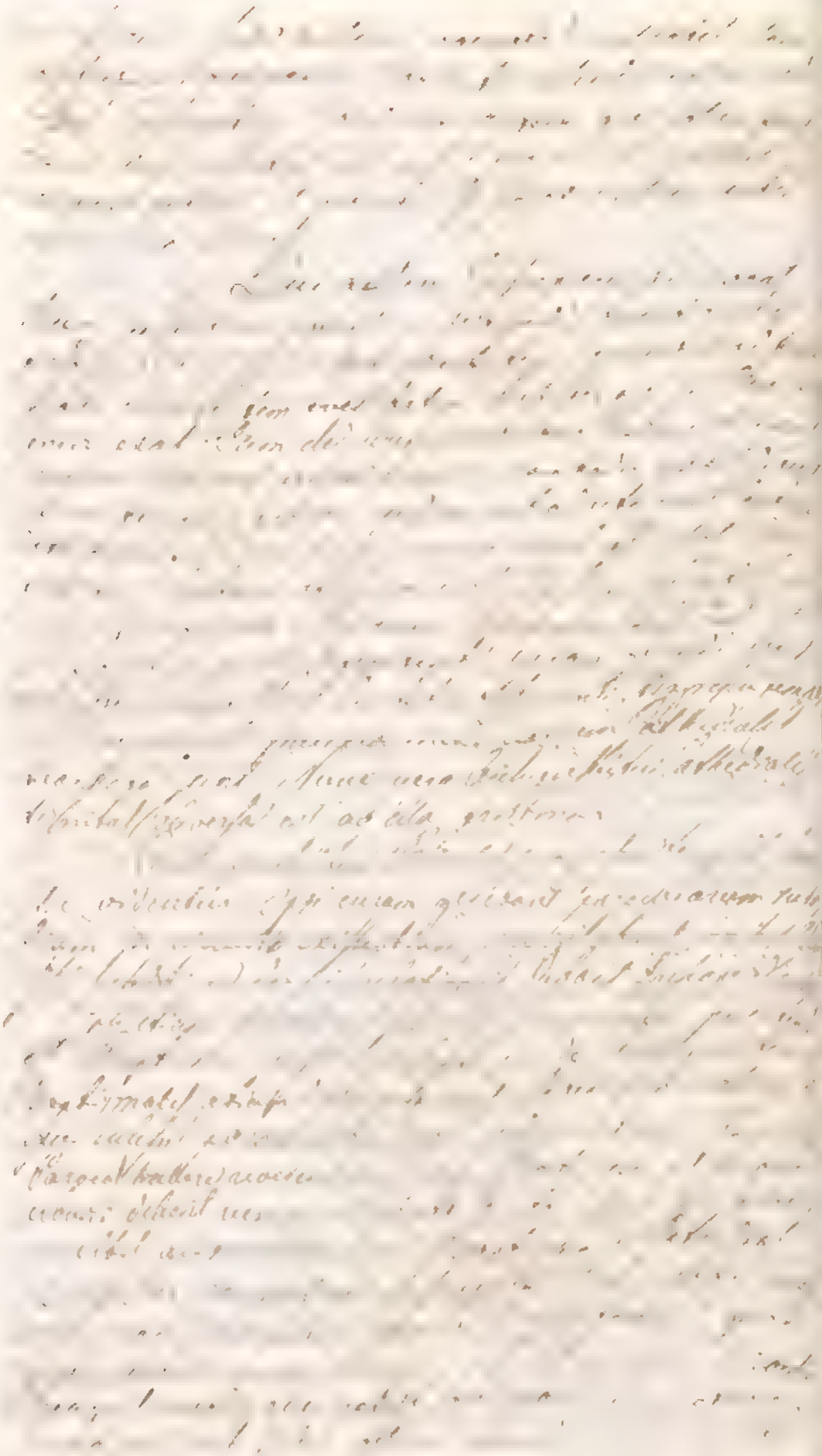


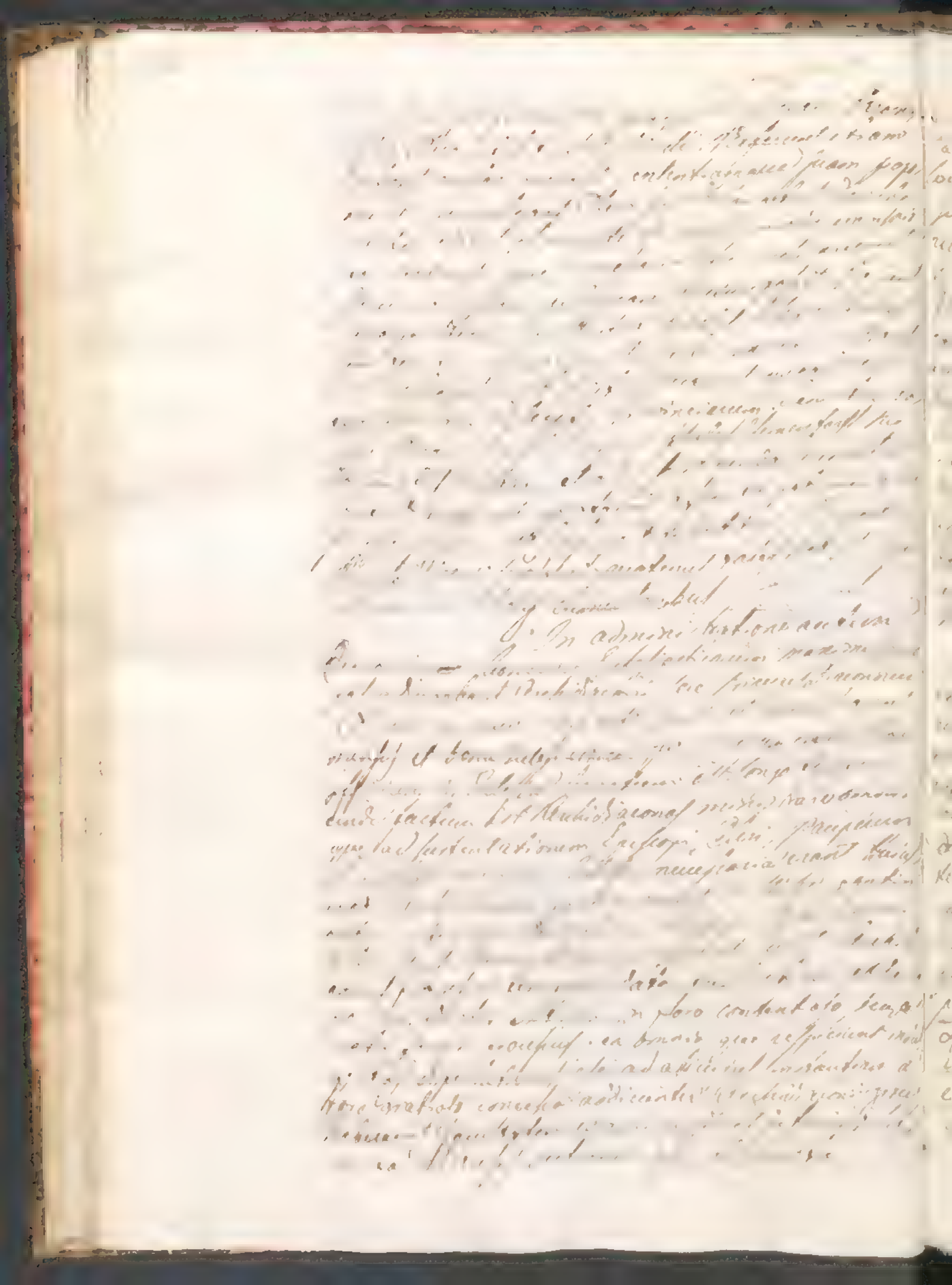


# De Episcopis









jus habet sola ad recedendum, si altera [illegible] autem
non ex casu fortuito
[illegible] [illegible] matrimonio [illegible] Ridendi [illegible]
[illegible] non [illegible]
1° [illegible] matrimonium [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] contrarium et [illegible]
[illegible] [illegible] unum ab altero [illegible] [illegible]
ro stare posset potest
2° Matrimonium [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
juxta formas ab ecclesia [illegible] [illegible]
[illegible] conjugatis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] vinculum =
3° Matrimonium [illegible] Disparagie [illegible] [illegible]
inter duas personas [illegible] [illegible] [illegible]
[illegible] Ex natura [illegible] matrimonialis patet validum
esse hoc matrimonium, quia nulla distinctio conditio-
nis [illegible] Deum [illegible] attamen [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
4° Matrimonium ad Morganaticam [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
nempe contrahitur ex quo [illegible] [illegible] uxor careat
[illegible] [illegible] [illegible] [illegible] [illegible]
sed [illegible] [illegible] [illegible] matrimonium [illegible]
apud nos
5° [illegible] matrimonium [illegible] [illegible] [illegible] [illegible]
contrahitur et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] matrimonium [illegible]
[illegible] damnatum fuit tanquam invalidum [illegible] ob

tum obierint ipsorum [illegible] Sponsis, quali-
[illegible] proximo. Privata vero sunt quæ conjugis ipsis priva-
tum commodum [illegible] et eatenus valent quatenus
[illegible] impotentia etc.

Impedimenta ratione [illegible] sunt vel [illegible] aut occulta, [illegible] notoria. Alia sunt illa
ex notorietate juris, quando per judicis sententiam
[illegible] notorietate facti quando ex fama
[illegible] vero dicuntur quæ [illegible]
[illegible] impedimenta notoria [illegible]
[illegible] matrimonii [illegible]
per sententiam judicis demonstrata et effectum facti
[illegible] possunt in impedimento [illegible]
in [illegible] notoria [illegible] facti [illegible]
cum impedimentum manifeste [illegible]

Impedimenta etiam a nonnullis dividuntur
in antecedentia et consequentia. Antecedentia quæ ad-
sunt tempore celebrationis matrimonii, subsequentia
quæ post [illegible] sunt. Antecedentia possunt vel dirimere
vel prohibere matrimonium, non autem subsequentia
quia matrimonium initum fuit cum nullum erat
ex his impedimentis, ac proinde semel initum indisso-
lubile est.

Notandum vero impedimenta antecedentia
possunt esse cognita ante celebrationem matrimonii
et possunt esse cognita post ipsam celebrationem.
[illegible] his casibus impedimenta habent vim diri-
mendi matrimonium.

Impedimenta sunt quoque absoluta et relativa.
Absoluta dicuntur [illegible] matrimonium cum
[illegible] persona. Relativa vero [illegible] quæ [illegible]

citas quasdam personas matrimonium irritum reddunt.

Denique impedimenta sunt dissolubilia vel indissolubilia. Dissolubilia sunt quae auctoritate humana tolli possunt, altera indissolubilia sunt. Impedimenta sunt etiam temporaria et perpetua.

Antequam singula [illegible] recenseamus, sequentem propositionem serio examinandum est quod dicit [illegible] patet tum ex natura rei tum ex [illegible] D. 159 impedimenta omnia principiis juris naturalis aliter [illegible] nonnisi esse prohibentia [illegible] et [illegible] dirimendum a Civitati tantum [illegible] esse, cum vel proprio jure, quo Civitas utitur, vel illud expresse aut tacite Ecclesiae concedit. Negamus itaque hanc propositionem [illegible] ea quae in Elementis dicitur [illegible], sed negamus hanc propositionem innixi in natura rei. — Jus impedimenta statuendi

Impedimenta a lege naturali autem [illegible] de iis ergo non quaeritur. Cum vero [illegible] utramque potestatem summam esse et independentem in genere suo, ac proinde neutri umquam alteri usurpare posse [illegible] mere Civilia, [illegible] ecclesiastica [illegible]. Sacramenta autem omnia constituunt subjectum materiae Ecclesiasticae potestatis. Patet itaque ex natura rei posse Ecclesiam etiam impedimenta statuere, et propria auctoritate dirimentia quoad Ecclesiasticos effectus et conscientiae; de iisdem non judicat Civilis potestas, ac propterea Ecclesia illa constituit non mutuato a Civitate, sed jure proprio quod a Christo tradito est. [illegible] ex his quae diximus.

Impedimenta respiciunt vel contractum moralem vel Civilem, vel Sacramentum. Impedimenta ad contrahendum [illegible] sunt vel ab Ecclesia vel a Civitate sine ulla [illegible]

(c) Impedimenta ex vitio vel defectu consensus

1. [illegible] ergo incapaces sunt dementes furiosi [illegible] nisi sint instructi.

2. [illegible] consensus [illegible]

3. Impedimentum procedens ex defectu consensus [illegible] conditione [illegible]

4. [illegible] sponsi [illegible]

5. Impedimentum [illegible] [illegible] [illegible] [illegible] [illegible] gravi [illegible] in loco tuto [illegible] [illegible] sunt incapaces sine permissione patris vel tutoris.

d) Impedimenta ex vitio vel defectu capacitatis legalis ad contrahendum.

1. Primum impedimentum est disparitas cultus inter baptizatos et non baptizatos [illegible] existens tempore initi matrimonii.

2. Impedimentum ligaminis [illegible]

3. [illegible]

4. Impedimentum [illegible] impedimentum [illegible] matrimonium inter eos qui sunt in linea recta [illegible] in linea vero obliqua [illegible] matrimonium [illegible] gradum [illegible] Canonici [illegible] Constitutionem [illegible] ad affinitatem, si [illegible] legitima [illegible] vetat matrimonium usque ad 4tum gradum, si vero [illegible] Concilii [illegible] contrahere [illegible] publicae honestatis [illegible] quod [illegible] matrimonio rato et non consummato usque ad 4tum gradum et in [illegible] in quibus de sponsal. non [illegible]

5° Impedimentum oritur ex cognatione naturali, spirituali et
Civili
6 Impedimentum ex licita adultera et [illegible]

[illegible] non [illegible] [illegible] publ. [illegible] [illegible]
[illegible] parochi [illegible] [illegible] [illegible] [illegible]
[illegible] Curia saltem [illegible]
sufficit ad validum efficiendum matrimonium [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] declarat [illegible]
[illegible] et [illegible] non [illegible]
[illegible] concedit dispensationem [illegible]
[illegible] parochus [illegible] dispensationem
[illegible] dispensatos exigunt [illegible] nullum [illegible]
habere impedimentum canonicum [illegible]
faciendas promulgationes [illegible]

Quis? Ubi, quomodo, quando?
[illegible] parochi et duorum testium [illegible]
[illegible] statuit [illegible] 24, ut in posterum [illegible]
matrimonia sint valida etiam in foro conscientiae, quae
fiunt coram Parocho et testibus.
1 Error, conditio, votum, cognatio, crimen
2 Cultus disparitas, vis, ordo, ligamen, honestas
3 Aetas, affinis, si clandestinus, et impos,
4 Si mulier sit rapta loco nec reddita tuto
5 [illegible] parochi, et duplex [illegible] praesens ac testes
6 Haec facienda vetant connubia, facta retractant.

[illegible]

Ex [illegible] Isagogia

1 Generalis notio juris
2 Jus naturale et positivum
3 Jus divinum, et humanum
4 Lex naturalis, et juridica
5 Jus in [illegible]
6 Jus Sociale
7 [illegible] Jus Ecclesiae notio
8 Ecclesia [illegible] ad [illegible] ante [illegible] Visibilem [illegible] prout naturalis [illegible]
9 [illegible]
10 [illegible]
11 [illegible] quam [illegible]
12 [illegible] [illegible] tribunal pietatis [illegible] [illegible]
13 [illegible] jure naturale [illegible]
14 [illegible]
15 [illegible] Apostolica
16 [illegible] in rebus [illegible]
17 [illegible]
[illegible] objectum in genere
[illegible] objecti [illegible] generales
18 [illegible]
19 [illegible] principiis cognoscendi
20 [illegible] juris Divini [illegible]
21 [illegible] non [illegible]

22 Juris Ecclesiastici communis collectio [illegible]
23 [illegible]
24 [illegible]
25 [illegible]
26 Capitularia Regum Francorum
27 [illegible] Gratiani [illegible] collectionem
28 Decretales Gregorii [illegible] et Bonifacii VIII
29 Clementinae et extravagantes [illegible] Johannis XXII [illegible]
30 Jus Novissimum
31 Jus Ecclesiasticum [illegible] Austriae [illegible] jus commune [illegible] humanum in Austria obtineat
32 Juris Ecclesiastici [illegible] fontes et diversa eorum genera

Ex Jure Ecclesiastico
pub. Interno

34 Ecclesia [illegible] potestas humana [illegible] in Ecclesia
35 [illegible] hanc potestatem [illegible] [illegible]
36 Potestas haec in Ecclesia perdurat
37 Potestatem [illegible] exercuerunt
38 [illegible] huic potestati [illegible] [illegible]
39 [illegible] juris [illegible]
40 Potestatem Ecclesiasticam [illegible] continet omnibus Apostolis [illegible] Petro qui [illegible] primatum tenet

41 Romanus Pontifex ...

42 ... Apostolorum ...

43 ...

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45 ...

46 ...

47 ...

48 ...

49 ...

50 ...

51 Decretorum Concilii ...

52 Quando ...

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70 Legatorum ...

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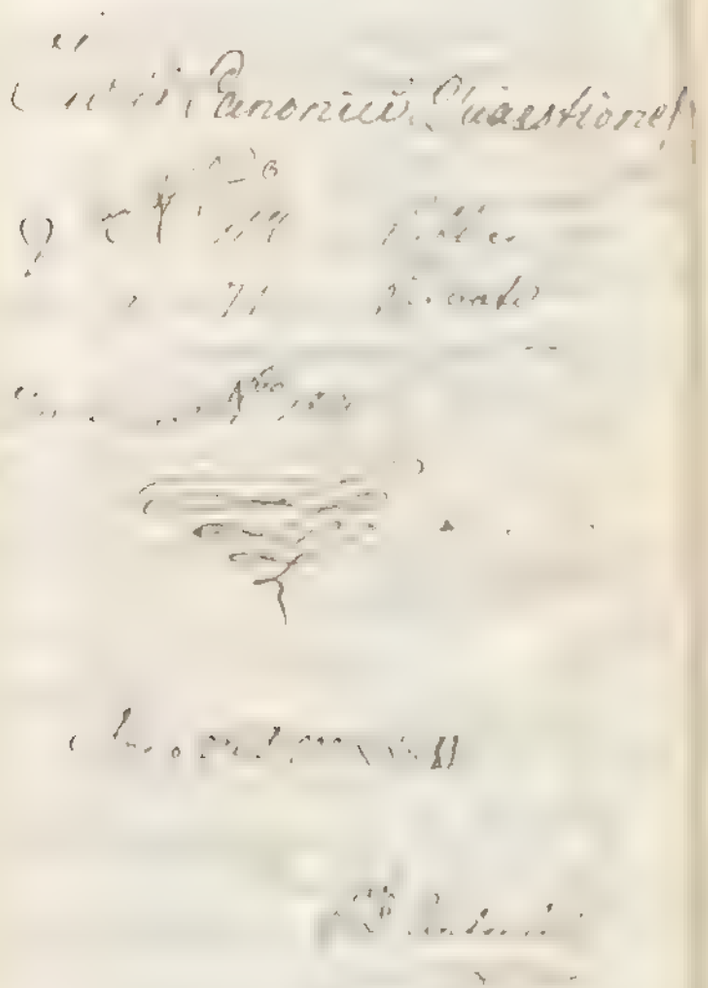
84 Capitulorum jura circa res Ecclesiae administrandas
85 Capitulis [illegible] jura [illegible] corpus [illegible]
86 [illegible] in Capitulo
87 [illegible] officia, et qualitates
88 [illegible] quae non sunt [illegible] genera [illegible]
89 [illegible] praeceptis [illegible] honoris et jura
90 Parochorum origo et attributa
91 Parochorum jura [illegible] administrationem Sacramentorum
92 II Quoad [illegible] praedicationem
93 III Quoad functiones sacras
94 [illegible] Quoad sustentationem
95 Jura Parochi concessa a Civitate
96 Parochorum [illegible] officia et qualitates

Ex jure publico Externo

97 Essentiale discrimen Ecclesiam inter et [illegible]
98 [illegible] potestas est in genere suo suprema et independens
99 Duae hae potestates mutuum sibi praestant adjumentum
100 [illegible] publica [illegible]
101 Quid juris quoad actus mere Ecclesiasticos
102 [illegible] mere civi[illegible]
103 Quid quoad actus mixtos
104 Quid quoad actiones quae ad alterutrum finem civitatis vel Ecclesiae mediate tantum referuntur

105 Quid de sententia quae indirectam Ecclesiae potestatem adjudicant in temporalibus
106 Numquid [illegible] Ecclesiae aliquando sibi propriam legislatoriam potestatem aut judiciariam in [illegible] civiles [illegible] quaestiones
107 Potest ne [illegible]
108 [illegible] personales [illegible] locales
109 [illegible] cum [illegible]
110 [illegible] Ecclesiae [illegible]
111 [illegible]
[illegible]
[illegible]
[illegible]
[illegible] qualitatis
112 Quid [illegible] judicandum [illegible]
113 [illegible] Jura [illegible] sacra
114 [illegible]
115 [illegible]
116 [illegible]
117 [illegible]
118 [illegible] civilis



ni pro modicis rebus Romæ commorandum esset. Itaque nostris temporibus reservationes pro quibus dantur facultates Episcopis numero XXII esse solent, inter quas ab adversariis multæ dicuntur superfluæ, et Episcopali dignitati ignominiosæ, quarum si respicerent causas et originem ita non dicerent.

Facultates hæ Pontificiæ Episcopis qui, quæ ditionis Austriacæ noscuntur, cum bullis confirmationis transmitti solent. Non ita Episcopis Regni Longobardo-Veneti qui citius et facilius ad S. Sedem possunt recurrere. Constitutione autem Cæs. ductum fuit ut Episcopi potestatem potestate sibi propria a Deo concessa utantur, quod majoris reipublicæ interest. Post colloquia autem quæ tenum habuerunt anno 1782 Vindobonæ S. Pontifex Pius VI et Imperator Josephus II concessum fuit iis Episcopis qui propriis suis juribus gravarentur facultates necessarias ad statutum tempus Romæ petendi, quæ postea semper porrigendæ essent regio placito, item ad varias species reservationum vero omnes.

Occurrunt nobis in primis exemptiones Monasteriorum aliorumque Collegiorum a jurisdictione Episcopi. Cœperunt circa seculum VIII et fiebant in beneficium Monachorum qui tunc erant S. Benedicti qui benemeriti erant de litteris reipublicæ. Nonnullæ ex istis exemptionibus de voluntate Episcoporum datæ fuerunt, omnes vero [illegible] contribuebant. Cum vero ordines religiosi valde

Centimetres Inches
Color chart
Sachverständigen-Zubehör.de
Blue Cyan Green Yellow Red Magenta White Grey Black